

Serial No. 09/922,032
Client Reference No. 80168.0317
Response to Final O/A dated 02/05/04
Via Facsimile

REMARKS/ARGUMENTS

Claims 1-20 are pending in this case. All claims have been finally rejected.

The Examiner asserted in the Final Office Action mailed on February 5, 2004 that the previously-filed Declaration Of Prior Invention Under 37 C.F.R. § 1.131 was ineffective to overcome the Hickman reference. The Examiner's assertion of ineffectiveness of the Declaration of Prior Invention is respectfully traversed.

In particular, the Examiner asserts that where "there has not been reduction to practice prior to the data [sic] of the reference, the applicant or patent owner must also show diligence in the completion of his or her invention from a time just prior to the data [sic] of the reference continuously up to the data [sic] of an actual reduction to practice or up to the date of filing his or her application".

Claims 1-20 were examined in a first Office Action mailed on October 7, 2003. Claims 1-20 stand finally rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,523,036 to Hickman et al. Reconsideration and withdrawal of this rejection is again respectfully requested in view of the Declaration Of Prior Invention Under 37 C.F.R. § 1.131.

The § 102(e) rejection of claims 1-20 over Hickman et al is addressed by the previously-filed Declaration Of Prior Invention Under 37 C.F.R. § 1.131, which was accompanied by a redacted Invention Disclosure Form. The Declaration, which was signed by both co-inventors William J. Young and Janice L. Platt, stated that both conception and reduction to practice of the claimed driver circuit were completed prior to the August 1, 2000 filing date of Hickman et al. Furthermore, the redacted Invention Disclosure Form included a paragraph 6, entitled "REDUCTION TO PRACTICE". Underneath the heading

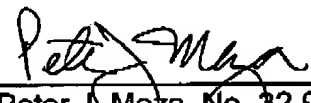
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"REDUCTION TO PRACTICE" the invention disclosure form asked the question "Has the invention been reduced to practice?" The answer to this question on the invention disclosure form was "Yes". This is evidence of reduction to practice prior to the date of the reference that corroborates the previously-filed Declaration Of Prior Invention signed by the inventors. Accordingly, diligence need not be shown, the previously filed Declaration of Prior Invention is deemed effective in overcoming Hickman et al, and withdrawal of the § 102(e) rejection based upon Hickman et al is therefore deemed proper and is again respectfully requested.

In view of all of the above, Claims 1-20 are deemed to be allowable and the case in condition for allowance. No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

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Peter J. Meza, No. 32,920
Hogan & Hartson LLP
One Tabor Center
1200 17th Street, Suite 1500
Denver, Colorado 80202
(719) 448-5906 Tel
(303) 899-7333 Fax